

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CAROL ANN RIGGS,

Plaintiff,

v.

Civil Case No. 15-10031
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S
SEPTEMBER 29, 2015 REPORT AND RECOMMENDATION [ECF NO.
13]; (2) DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
(ECF No. 11); AND (3) GRANTING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT [ECF NO. 12]**

On January 6, 2015, Plaintiff filed this lawsuit challenging Defendant's final decision denying her application for disability, disability insurance benefits, and supplemental security income under the Social Security Act. On January 7, 2015, the matter was referred to Magistrate Judge Patricia T. Morris for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 5.) The parties subsequently filed cross-motions for summary judgment. (ECF Nos. 11, 12.)

On September 29, 2015, Magistrate Judge Morris issued her R&R in which she recommends that this Court deny Plaintiff's motion, grant Defendant's motion, and affirm Defendant's decision finding Plaintiff not disabled under the Social Security Act. (ECF No. 13.) In the R&R, Magistrate Judge Morris concludes that the ALJ properly considered the medical evidence and Plaintiff's asserted limitations and that substantial evidence supported the ALJ's decision. Magistrate Judge Morris found a "dearth of evidence" supporting Plaintiff's claimed neck ailments which Plaintiff faulted the ALJ for not considering. (*Id.* at 25.) Magistrate Judge Morris therefore recommends that the Court affirm Defendant's decision.

At the end of the R&R, Magistrate Judge Morris advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 26-27.) She further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) Neither party filed objections to the R&R.

This Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Morris. The Court therefore adopts the magistrate judge's September 29, 2015 Report and Recommendation and is affirming Defendant's decision denying Plaintiff social security benefits.

Accordingly,

IT IS ORDERED, that Plaintiff's motion for summary judgment (ECF No. 11) is **DENIED**;

IT IS FURTHER ORDERED, that Defendant's motion for summary judgment (ECF No. 12) is **GRANTED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: December 18, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, December 18, 2015, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager